

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA**

**RECEIVED**

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TREY GRANGER, CLK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

Civil Case No.

1:23-cv-162-ECM-cwb

LORETTA KNIGHT  
1232 Kinsey Road  
Dothan, AL 36303  
(484) 334-1418  
loretta\_knight@yahoo.com

Plaintiff

vs.

WELLS FARGO & COMPANY, and  
WELLS FARGO BANK, N.A

Plaza North  
1943 Reeves Street  
Dothan, AL 36303  
(334) 712-1554

Defendant

**COMPLAINT AND**

**DEMAND FOR JURY TRIAL**

Plaintiff Loretta Knight, on behalf of herself, hereby files this Complaint against Defendants Wells Fargo & Company, a Delaware Corporation, and Wells Fargo Bank, N.A., a National Banking Association, (collectively "Wells Fargo"). In support thereof, Plaintiff states as follows:

**I. INTRODUCTION**

1. In 2008, Wells Fargo & Company acquired Wachovia Corporation. The acquisition of Wachovia by Wells Fargo was completed on December 31, 2008. On December 23, 2008, Wachovia announced that its shareholders had approved the Wells Fargo merger proposal. On January 1, 2009, Wells Fargo announced that the merger had been

completed effective December 31, 2008. Wachovia Bank, N.A. was converted into Wells Fargo, N.A. in a process that lasted approximately three years.

<https://www.wellsfargo.com/about/corporate/wachovia/>

<https://www.federalreserve.gov/newsevents/testimony/alvarez20100901a.htm>

2. Wachovia was a financial holding company headquartered in Charlotte, North Carolina, that provided commercial and retail banking services and other financial services in the United States and internationally. At the end of the second quarter 2008, Wachovia had assets of \$812 billion, making it the fourth largest banking organization in the United States in asset terms. Wachovia's principal subsidiary was Wachovia Bank, N.A. which had assets of \$671 billion. Wachovia also had two insured thrift subsidiaries with total assets of \$105 billion. Thus, the assets of the lead national bank and two insured thrift subsidiaries comprised about 95 percent of the assets of the holding company. Wachovia's insured depository institution subsidiaries had a very large retail presence-serving more than 27 million deposit accounts totaling more than \$400 billion-and operated a large mortgage business. These subsidiaries were supervised, examined, and regulated by the Office of the Comptroller of the Currency (OCC) and the Office of Thrift Supervision (OTS), respectively. Wachovia also operated a large retail-oriented securities broker-dealer network through its subsidiaries, Wachovia Securities and AG Edwards, Inc., and provided a wide range of investment banking, private banking, and asset management services. These subsidiaries were supervised and regulated by the Securities and Exchange Commission (SEC).

3. Wells Fargo & Company is an American multinational financial services company with corporate headquarters in San Francisco, California; operational headquarters in Manhattan; and managerial offices throughout the United States and internationally. The company has operations in 35 countries with over 70 million customers globally. Wells Fargo, in its present form, is a result of a merger between the original Wells Fargo

& Company and Minneapolis-based Norwest Corporation in 1998. While Norwest was the nominal survivor, the merged company took the better-known Wells Fargo name and moved to Wells Fargo's hub in San Francisco. At the same time, its banking subsidiary merged with Wells Fargo's Sioux Falls-based banking subsidiary. Wells Fargo became a coast-to-coast bank with the 2008 acquisition of Charlotte-based Wachovia. Total assets US\$1.875 trillion (2022).

4. Wells Fargo Bank, N.A. is Wells Fargo & Company's primary subsidiary, a national bank which designates its Sioux Falls, South Dakota site as its main office. It is the fourth largest bank in the United States by total assets and is also one of the largest as ranked by bank deposits and market capitalization.

5. Wells Fargo has been the subject of several investigations by the:

Consumer Financial Protection Bureau (CFPB)

[https://files.consumerfinance.gov/f/documents/cfpb\\_wells-fargo-na-2022\\_consent-order\\_2022-12.pdf](https://files.consumerfinance.gov/f/documents/cfpb_wells-fargo-na-2022_consent-order_2022-12.pdf)

[https://files.consumerfinance.gov/f/documents/cfpb\\_wells-fargo-na-2022\\_stipulation\\_2022-12.pdf](https://files.consumerfinance.gov/f/documents/cfpb_wells-fargo-na-2022_stipulation_2022-12.pdf)

<https://www.consumerfinance.gov/about-us/newsroom/cfpb-orders-wells-fargo-to-pay-37-billion-for-widespread-mismanagement-of-auto-loans-mortgages-and-deposit-accounts/#:~:text=The%20CFPB's%20investigation%20found%20that,%242%20billion%20to%20harmed%20customers>

United State Department of Justice

<https://www.justice.gov/opa/pr/wells-fargo-agrees-pay-3-billion-resolve-criminal-and-civil-investigations-sales-practices>

<https://www.justice.gov/opa/press-release/file/1251346/download>

Securities and Exchange Commission

<https://www.sec.gov/news/press-release/2020-38>

Financial Industry Regulatory Authority

<https://www.finra.org/media-center/news-releases/2014/finra-fines-wells-fargo-advisorswells-fargo-advisors-financial-network>

and others for account fraud, alteration of documents, and an array of banking violations over the last decade that harmed millions of customers resulting in Wells Fargo paying billions of dollars in fines.

6. Bernella Knight Rose, deceased October 23, 2022, and her husband, Charles Rose, deceased November 8, 2022, had three joint bank accounts and four Certificates of Deposit at Wachovia Bank, N.A. All of the Wachovia accounts and CD's before conversion were joint accounts with the right of survivorship and have Payable on Death (POD) designations by Bernella Knight Rose and Charles Rose. Loretta Knight is POD on three of these Wachovia accounts and these designations should have been transferred when these accounts were converted. The letter from Wells Fargo, dated August 13, 2010, announcing Wachovia is becoming Wells Fargo in Alabama, provides the account numbers and descriptions of the Wachovia accounts converted to Wells Fargo accounts. This letter also states that Wells Fargo did not have comparable checking or savings accounts as the accounts with Wachovia and closed the Wachovia accounts and replaced these accounts with new accounts and account numbers. The Certificate of Deposits were converted with the same account numbers and POD designations. Based on the Wachovia Bank, N.A. documents, if these accounts were properly converted, Loretta Knight has a legal right to these accounts.

7. Loretta Knight not having access to the Wells Fargo Primary Checking and Money Market Savings accounts has resulted in personal financial hardship, especially no funds available to pay for Mr. Charles Rose's funeral bill for \$10,000, no funds available to pay Probate Court filing fees, no funds available to pay Bernella Knight Rose's creditors, no funds available to pay for house and auto insurance (2 cars), and

house alarm installation and monitoring while the Estate of Bernella Knight Rose and the Estate of Charles Rose are in Probate.

8. Loretta Knight is the biological sister of Bernella Knight Rose and resided with Bernella Knight Rose and Charles Rose since March 11, 2020 (start of the Covid-19 Pandemic). Loretta Knight was with Bernella Knight Rose constantly and provided care during her illness. Loretta Knight was at her bedside at Southeast Health, University of Alabama, Birmingham Hospital and hospice at 1232 Kinsey Road until she died. Loretta Knight also constantly provided care to Charles Rose, attended his doctor's appointments, prepared his meals and provided necessities until he died.

9. On November 4, 2022, Loretta Knight and Charles Rose visited Wells Fargo Bank, 1943 Reeves St, Dothan, AL, to provide the certified copy of Bernella Knight Rose's death certificate and to add Loretta Knight to the accounts. Mrs. Brigitte Porter, Branch Manager, directed us to her office. Loretta Knight provided the death certificate and asked Mrs. Porter to add Loretta Knight to the bank accounts. Mrs. Porter's professional advise was "not to remove Bernella Knight Rose's name from the accounts for at least a month or two, other transactions might be received for processing in Bernella Knight Rose's name and if her name is removed, these transactions would be rejected by the bank, and Loretta Knight could not be added to the accounts without removing Bernella Knight Rose from the account." Following the advice of Mrs. Bridgett Porter, Loretta Knight was not added to the accounts.

10. Charles Rose died on November 8, 2022, four days after Wells Fargo Bank visit. Loretta Knight notified Wells Fargo's of Charles Rose's death via a phone call to the Estate Care Center. In this conversation, Loretta Knight was told the accounts would be frozen immediately and did not provide any additional information regarding these accounts.

11. On December 13, 2022, Leon David Knight was granted Letters of Administration for the Estate of Bernella Knight Rose by Judge Patrick Davenport, Probate Judge of Houston County, AL. On December 15, 2022, Leon David Knight and Loretta Knight visited Wells Fargo Bank, 1943 Reeves Street, Dothan, AL to obtain information regarding these bank accounts. Banker Kishia Hunter told Leon David Knight that when Bernella Knight Rose died, the checking account and savings account were transferred to her husband, Charles Rose, with no beneficiary or payable on death designations and told Leon Knight that the accounts are frozen..

12. Upon reviewing Bernella Knight Rose's bank statements and personal files, on January 17, 2023, Loretta Knight sent Wells Fargo Branch Manager, Mrs. Bridgett Porter, a certified letter requesting an investigation regarding irregularities in converting the bank accounts from Wachovia to Wells Fargo. On January 18, 2023, Loretta Knight received a phone call from Mrs. Bridgett Porter providing Case No. 04202211036549020, a phone number and stated I would receive a response in five to eight business days. To date, Loretta Knight has not received a written response from Wells Fargo.

## **II. JURISDICTION AND VENUE**

13. This Court has subject matter jurisdiction pursuant to 28 U.S.C § 1331 because the Plaintiff is a citizen of the United States and residing in Alabama and Defendants are citizens of Delaware and the amount in controversy exceeds \$75,000.

14. Venue is proper in the Middle District of Alabama pursuant to U.S.C § 1391(b)(2) because a substantial part of the events or omissions given rise to the claims at issue in this Complaint arose in this District.

### III. PARTIES

15. Plaintiff Loretta Knight is and at all relevant times a citizen of the United States residing in Alabama.

16. Defendant Wells Fargo & Company is a Delaware Corporation and its principle place of business is San Francisco, CA. Wells Fargo and Company is a financial services company with \$1.8 trillion in assets, and provide banking, insurance, investment, mortgage, and consumer and commercial finance through approximately 5,200 branches, 13,000 ATM's and the Internet.

17. Defendant Wells Fargo, N.A. is a national association bank chartered under the laws of the United States with its primary place of business San Francisco, CA. Wells Fargo, N.A. provides Wells Fargo & Company personal and commercial banking services, and is Wells Fargo & Company principle subsidiary.

### IV. FACTUAL ALLEGATIONS

18. Bernella Knight Rose and Charles Rose had the following joint bank accounts with Wachovia Bank, N.A.

Crown Select Banking	Summary of Accounts	Checking & Savings
Account Number	Account	
XXXXXXXXXX0539	CROWN SELECT CKG	
XXXXXXXXXXXX 9051	TIME DEPOSIT 24 MONTHS	
XXXXXXXXXXXX7378	TIME DEPOSIT 24 MONTHS	
XXXXXXXXXXXX6103	TIME DEPOSIT 24 MONTHS	
XXXXXXXXXXXX5357	TIME DEPOSIT 24 MONTHS	
XXXXXXXXXX0538	CROWN SELECT SWP	

## PREMIUM PERSONAL QUARTERLY SAVINGS

Account Number                      Account

XXXXXXXXXX7038                      PREMIUM PERSONAL QUARTERLY SAVINGS

Account Numbers: XXXXXXXXXXXX0539, XXXXXXXXXXXX0538, XXXXXXXXXXXX7038 were Joint Accounts with Right of Survivorship /POD Loretta Knight.

These three Wachovia Bank, N.A. accounts were closed on 08/07/2007 and converted to Wells Fargo Bank, N.A. accounts.

19. The letter from Wells Fargo, dated August 13, 2010, announcing Wachovia is becoming Wells Fargo in Alabama, provides the account numbers and descriptions of the Wachovia accounts converted to Wells Fargo accounts. This letter also states regarding the Wachovia Bank Crown Classic Regular Checking Account and the Wachovia Bank High Performance Money Market Account, "We worked carefully to transfer your account to a Wells Fargo account with similar features and benefits. Since this account is not available in the current Wells Fargo product line, it cannot be opened as a new account, nor can other accounts be converted to it."

Your current account name and number ending in:

Crown Classic Regular Checking Account

XXXXXXX4182

New name of your account at Wells Fargo and accountholders:

Wells Fargo Crown Account Regular Checking Account – Crown Classic Regular Version

Bernella Knight Rose or

Charles Rose

Your current account name and number ending in:

High Performance Money Market Account

XXXXXXX1373



New name of your account at Wells Fargo and accountholders:

Wells Fargo Preferred Rate Savings Account

Bernella Knight Rose

Charles Rose

Fixed Rate CD

Wells Fargo Time Account

XXXXXX9051

Bernella Knight Rose

Original issue date 12/6/96

Charles Rose

Fixed Rate CD

Wells Fargo Time Account

XXXXXX7378

Bernella Knight Rose

Original issue date 8/5/89

Charles Rose

Fixed Rate CD

Wells Fargo Time Account

XXXXXX6103

Bernella Knight Rose

Original issue date 2/8/97

Charles Rose

Fixed Rate CD

Wells Fargo Time Account

XXXXXX5357

Bernella Knight Rose

Original issue date 5/7/92

Charles Rose

In 2015, Fixed Rate CD XXXXXXXXXXXX6103 is no longer on the Wells Fargo bank statements. As far as I can ascertain, the February 1, 2015 – February 28, 2015 Wells Fargo bank statement is the last statement this CD is listed. I have not found a record of this CD's distribution.

Wells Fargo should be ordered to provide detailed information regarding Fixed Rate CD XXXXXXXXXXXX6103.

20. Wells Fargo letter to Bernella Knight Rose or Charles Rose, dated 9/1/2018:

Subject: New account number for your account

Dear Bernella Knight Rose

We received your notification of lost or stolen checks or a compromised account. We immediately closed your existing account number XXXXXXXXXX4182 and transferred your money to a new account. Your new Wells Fargo Prime Checking account number is XXXXXX9812.

21. The following accounts are listed in the February 2023 Wells Fargo Bank Statement for Bernella Knight Rose or Charles Rose:

Wells Fargo Prime Checking (XXXXXXX9812)

Money Market Savings (XXXXXXXXXX1373)

Certificate of Deposit (XXXXXXXXXXXX9051)

Certificate of Deposit (XXXXXXXXXXXX7378)

Certificate of Deposit (XXXXXXXXXXXX9051)

## **V. REQUEST FOR RELIEF**

Plaintiff requests judgments against Defendants as follows for:

A. Wells Fargo Prime Checking Account (XXXXXXX9812) Bernella Knight Rose or Charles Rose;

B. Wells Fargo Money Market Savings (XXXXXXXXXX1373) Bernella Knight Rose or Charles Rose;

C. Actual damages including economic losses and emotional harm caused by Defendants in amounts to be decided by the jury;

D. All recoverable compensatory, statutory, and other damages sustained by Plaintiff and all other relief allowed under applicable law;

E. Treble damages insofar as they are allowed by applicable law;

F. For payment of attorney's fees and expert fees as may be allowable by applicable law;

and

G. For any other equitable relief this Court may determine to be fair and just.

## **VI. DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury on all issues so triable.

DATED this 24<sup>th</sup> day of March 2023.

A handwritten signature in black ink, appearing to read "LKnight", is written over a horizontal line.

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